

IN RE: PETITION FOR ZONING VARIANCE
NS Kenilworth Drive, 171' W
of Marleigh Circle
(1104 Kenilworth Drive)
9th Election District
4th Councilmanic District
Charles Towson Associates
Petitioner

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-356-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests variances to permit four (4) building identification signs totalling 126.8 sq. ft. in lieu of the permitted one sign totalling 105.11 sq. ft.; to permit signs to project 8 inches from the building in lieu of the permitted 6 inches; and to permit the signs to be backlit in lieu of the required illumination that is provided for the building or site, all as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Leonard Stillman, General Partner, and Stephanie Rummel, Manager, appeared, testified and was represented by Counsel. In support of the Petition, Lee Klebe of Triangle Signs, appeared and testified. Mary Glinn appeared on behalf of the Alliance of Baltimore County Community Councils (ABC).

Testimony indicated that the subject property, zoned O-1, consists of approximately 3.54 acres plus or minus and is currently improved with an office building. Ms. Rummel testified that the building was completed approximately one year ago. Testimony indicated that the property is located off of Kenilworth Drive and shares a common entrance with another building known as "The Exchange" which is closer to Kenilworth Drive than the subject property. Ms. Rummel testified that due to the lack of any markings on the building visible from Kenilworth Drive, she has received numerous inquiries from people who have had difficulty locating the building. The Petitioner proposes adding three more identification signs on the building to assist its customers. One of the signs proposed, marked "Sign D" on Petitioner's Exhibit 1, is simply to place the ad-

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 204 - 0-1 (OFFICE BUILDING) ZONES, specifically Section 204.3 C 3, to permit 4 building identification signs totalling 126.8 sq. ft. in lieu of the permitted one sign totalling 105.11 sq. ft.; to permit signs to project 8 inches from the building in lieu of the permitted 6 inches; & to allow the signs to be backlit in lieu of the required illumination that is provided for the building or site

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
Sign restrictions of Section 204.3 C 3 result in a hardship and practical difficulty for several reasons. Guests and general public have difficulty locating buildings, particularly at night. It is set back from roadway and its lobby entrances are below road level. Traffic approaching from either direction on Kenilworth Drive has difficulty identifying and locating building, impairing traffic safety. Building uses common access drive with adjacent office building and present signage does not adequately distinguish the buildings or direct visitors to building, nor are signs permitted above the two lobby entrances to the building to identify it.
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
Not Applicable
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
CHARLES TOWSON ASSOCIATES
(Type or Print Name)
Signature
Address
City and State

BY: *Leonard Stillman*
General Partner
Signature
Address
City and State

Attorney for Petitioner:
GORDON L. PELTZ
(Type or Print Name)
Signature
Address
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted
Name
Address
City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 29th day of December, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 14th day of March, 1989, at 2 o'clock P.M.

ESTIMATED LENGTH OF HEARING - 1/2 HR. (over)
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER
REVIEWED BY: *J. Robert Hines* DATE 11-24-87

dress number "1104" in the left top corner of the building which will be seen by traffic once in the driveway. The other two signs, marked "B" and "C" on Petitioner's Exhibit 1, are to place the name of the Petitioner, "Charles Towson Associates" above the front and rear entrance doors to the building. In support of Petitioner's request, numerous pictures marked as Petitioner's Exhibits 2 and 3 were submitted. Ms. Rummel testified with respect to each. The purpose of the pictures was to support the Petitioner's position that the proposed signs in many instances will not be visible from the adjoining residential area and those instances in which they can be seen should not prove to be offensive.

Lee Klebe testified that a variance to permit the signs to project 8 inches from the building in lieu of the permitted 6 inches is being requested in order to permit repair and maintenance to the sign in a safe and efficient manner. This variance is especially necessary if the requested backlighting is granted. Mr. Klebe testified he is familiar with the area and Signs "B" and "C" should be seen only from the parking lot and not by the adjoining residences.

Ms. Glinn testified on behalf of the ABC's that as a matter of policy, the Councils are opposed to any variances to the sign regulations. After reviewing the proposed plans in this case, Ms. Glinn had no specific objections.

The Petitioner seeks relief from Section 204.3C pursuant to Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district

KIDDE CONSULTANTS, INC.
Subsidiary of Kidde Inc.

DESCRIPTION
3.5442 ACRE PARCEL OF LAND
KNOWN AS 1104 KENILWORTH DRIVE
NINTH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

This description is for sign variances and special hearing.

BEGINNING FOR THE SAME at a point on the North side of Kenilworth Drive, said point of beginning being South 86 degrees 03 minutes 20 seconds West 171.00 feet ± from the intersection of the centerline of Marleigh Circle with the North side of Kenilworth Drive, thence binding on the North Side of Kenilworth Drive (1) South 86 degrees 03 minutes 20 seconds West 64.98 feet, thence (2) North 14 degrees 08 minutes 40 seconds East 316.84 feet, and (3) North 60 degrees 53 minutes 20 seconds West 450.15 feet to a point on the South right of way line of Baltimore Beltway, thence binding on the right of way line of the Baltimore Beltway four courses: (4) North 83 degrees 39 minutes 00 seconds East 315.17 feet, (5) North 76 degrees 49 minutes 30 seconds East 198.49 feet, (6) South 78 degrees 12 minutes 20 seconds East 364.00 feet, and (7) South 62 degrees 15 minutes 40 seconds East 23.67 feet, thence five courses (8) South 67 degrees 43 minutes 03 seconds West 237.15 feet, (9) North 60 degrees 53 minutes 20 seconds West 26.32 feet (10) South 39 degrees 45 minutes 05 seconds West 379.42 feet, (11) North 74 degrees 03 minutes 49 seconds West 29.92 feet and (12) South 03 degrees 56 minutes 40 seconds East 156.20 feet to the place of beginning.

CONTAINING 3.5442 acres of land.

KCI Job Order No. 01-59044-O
Work Order No. 46973X
October 2, 1987

or whether a lesser relaxation than that applied for would give substantial relief; and

- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variances were granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public good.

After due consideration of the testimony and evidence presented, it is clear that a practical difficulty or unreasonable hardship would result if the variances were not granted. The sign variances proposed are minimal and limited to information which should help identify the building. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variances requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11th day of March, 1988 that variances to permit four (4) building identification signs totalling 126.8 sq. ft. in lieu of the permitted one sign totalling 105.11 sq. ft.; to permit the signs to project 8 inches from the building in lieu of the permitted 6 inches; and to permit the signs to be backlit in lieu of the required illumination; in accordance with Petitioner's Exhibit 1, be approved, and as such, the Petition for Zoning Variance is hereby GRANTED, subject, however, to the following restrictions:

- 1) The Petitioner may apply for his sign permit and be granted same upon receipt of this Order; however, Petitioner

Gordon L. Peltz, Esquire
105 Ware Avenue
Towson, Maryland 21204

RE: Petition for Zoning Variance
NS Kenilworth Drive, 171' W of Marleigh Circle
(1104 Kenilworth Drive)
9th Election District, 4th Councilmanic District
Charles Towson Associates - Petitioner
Case No. 88-356-A

Dear Mr. Peltz:

Enclosed please find the decision rendered in the above-referenced case. The Petition for Zoning Variance has been granted, subject to the restrictions noted in the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal to the County Board of Appeals. For further information on filing an appeal, please contact this office.

Very truly yours,

ANN H. MASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

Enclosures
cc: Mr. Lee Klebe
Triangle Signs
3343 Washington Boulevard, Baltimore, Md. 21227

People's Counsel

File

is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

- 2) The backlighting of the signs is limited to a soft white neon type.

- 3) The hours of illumination of any of the signs shall not be before 7:00 AM or after 10:00 PM unless subsequently modified following a public hearing on the matter.

ANN H. MASTAROWICZ
Deputy Zoning Commissioner
of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD. Feb. 25, 1988

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on Feb. 25, 1988.

THE JEFFERSONIAN,

Bryan Sanders Obrecht
Publisher

RE: PETITION FOR VARIANCE
NS Kenilworth Dr., 171' W
Marleigh Circle (1104 Kenilworth
Dr.), 9th Dist., 9th District
Charles Towson Associates,
Petitioner
Case No. 88-356-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Deputy People's Counsel
Room 223, Court House
Towson, Maryland 21204
410-2188

I HEREBY CERTIFY that on the 5th day of February, 1988, a copy of the foregoing Entry of Appearance was mailed to Gordon L. Peltz, Esquire, 105 Ware Ave., Towson, MD. 21204, Attorney for Petitioner.

Peter Max Zimmerman
Deputy People's Counsel

LAW OFFICES
GORDON L. PELTZ
105 WARE AVENUE
TOWSON, MARYLAND 21204

March 18, 1988

HAND DELIVERED

Ms. Ann M. Nastarowicz
Deputy Zoning Commissioner
Baltimore County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 88-356-A
Petitioner: Charles Towson Associates

Dear Ms. Nastarowicz:

This letter is to follow-up on one portion of the testimony that was unclear at our hearing on March 11, 1988. You may recall that we had difficulty in determining how we arrived at the figure of 105.11 as the number square feet permitted by the zoning regulation without a petition. The confusion developed from the fact that the first floor of the building on the south side has a service drive adjacent to the entrance. On the four floors above the service drive, the building extends over the service drive. Accordingly, the top four floors are 25 feet wider than the first floor.

Rough calculations indicate a square foot area of 52,500 square feet. Since we are allowed two square feet of signage per 1,000 square feet (52.5 X 2), the allowable area without a variance would be 105 feet. Our plan (Exhibit No. 1) has a breakdown of the exact area per floor under the "General Notes". The total sign area allowed actually amounted to 105.11 square feet. The area in the four signs requested amounts to 126.8 square feet and accordingly, the additional area requested by the variance is 21.69 square feet.

If you have any questions, do not hesitate to contact me. I am sending a copy of this letter to Mrs. Ginn, the only protestant at the hearing. Although the above does not make any significant change in the testimony or evidence before you, I wanted her to be aware of this communication. Thank you for your cooperation.

Very truly yours,

G.L.P.
GORDON L. PELTZ

RECEIVED
MAR 18 1988
ZONING OFFICE

GLP:dl
cc: Mrs. Mary Elizabeth Ginn

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Zoning Hearing files: 88-393-XA, 88-375-A, 88-354-SPH, 88-356-A, 88-374-A, Date: MAR 14 1988

FROM: C. G. Stephens

SUBJECT: Posting & Advertising fees

Advertising charges relative to the above hearings scheduled for the week of March 14, 1988, were not billed in a timely manner. The charges were ascertained on Friday, March 11, 1988 at 3:45 p.m. via a telephone conversation with Judy Ridgely of the Petuxent Publishing Company.

Petitioners were notified of charges via telephone as follows:

88-393-XA Petitioner: Wayne William Martin 465-0539
I spoke with a Ms. Diane Allen at this number at approximately 4:00 p.m. on 3/11/88.

88-354-SPH Petitioner: Sylvester Taylor
I spoke with Mr. Walter Tablery, petitioner's attorney at 837-7207. He will bring a check and advise his client to bring in the sign and post.

88-375-A Petitioner: James A. Greaves 242-7978
I spoke with Mrs. Greaves on Friday, March 11, 1988, a bit after 4:00 p.m.

88-374-A Petitioner(s): Beatrice Piekaraki 744-3103
I spoke with Ms. Piekaraki on 3/14/88 at approximately 7:50 a.m.

88-356-A Petitioner: Charles Towson Assoc.
Mr. Gordon Peltz, petitioner's attorney, was in on Friday. He will bring a blank check on the hearing date and advise his client to return the sign and post.

CPS-008

CHARLES TOWSON ASSOCIATES

CASE NO. 88-356-A

EAST APPROACH ALONG
KENILWORTH DRIVE (TOWSON):

FURTHEST VIEW -

2A

NEXT VIEW -

2B

VIEW FROM INTERSECTION
OF MARLEIGH

2C

PETITIONER'S
EXHIBIT 2

CHARLES TOWSON ASSOCIATES
CASE NO. 88-356-A

VIEW-APPROACH WEST
ON KENILWORTH DR.
(FROM CHARLES) -
TAKEN FROM APART-
MENT ENTRANCE.

2D

VIEW FROM BUILDING
TOWARD KENILWORTH
DRIVE (ENTRANCE).

2E

PETITIONER'S
EXHIBIT 2

CHARLES TOWSON ASSOCIATES

CASE NO. 88-356-A

APPROACH ONCE
IN DRIVEWAY:-

FROM STREET -

2F

FROM DRIVEWAY
MERGE POINT -

2G

FROM OUR FIRST
DRIVE ENTRANCE -

2H

PETITIONER'S
EXHIBIT 2

CHARLES TOWSON ASSOCIATES
CASE NO. 88-356-A

VIEW OF BUILDING -
FROM PARKING LOT.

2I

ENTRANCE TO BUILDING.

2J

PETITIONER'S
EXHIBIT 2

CHARLES TOWSON ASSOCIATES
CASE NO. 88-356-A

SOUTH BUILDING ENTRANCE -
VEHICLE APPROACH

2K

NORTH BUILDING ENTRANCE -
VEHICLE APPROACH

2L

PETITIONER'S
EXHIBIT 2

CHARLES TOWSON ASSOCIATES

CASE NO. 88-356-A

RESIDENTS VIEW FROM SOUTHWEST
OF KENILWORTH DR.

FROM 1101 KENILWORTH DR.

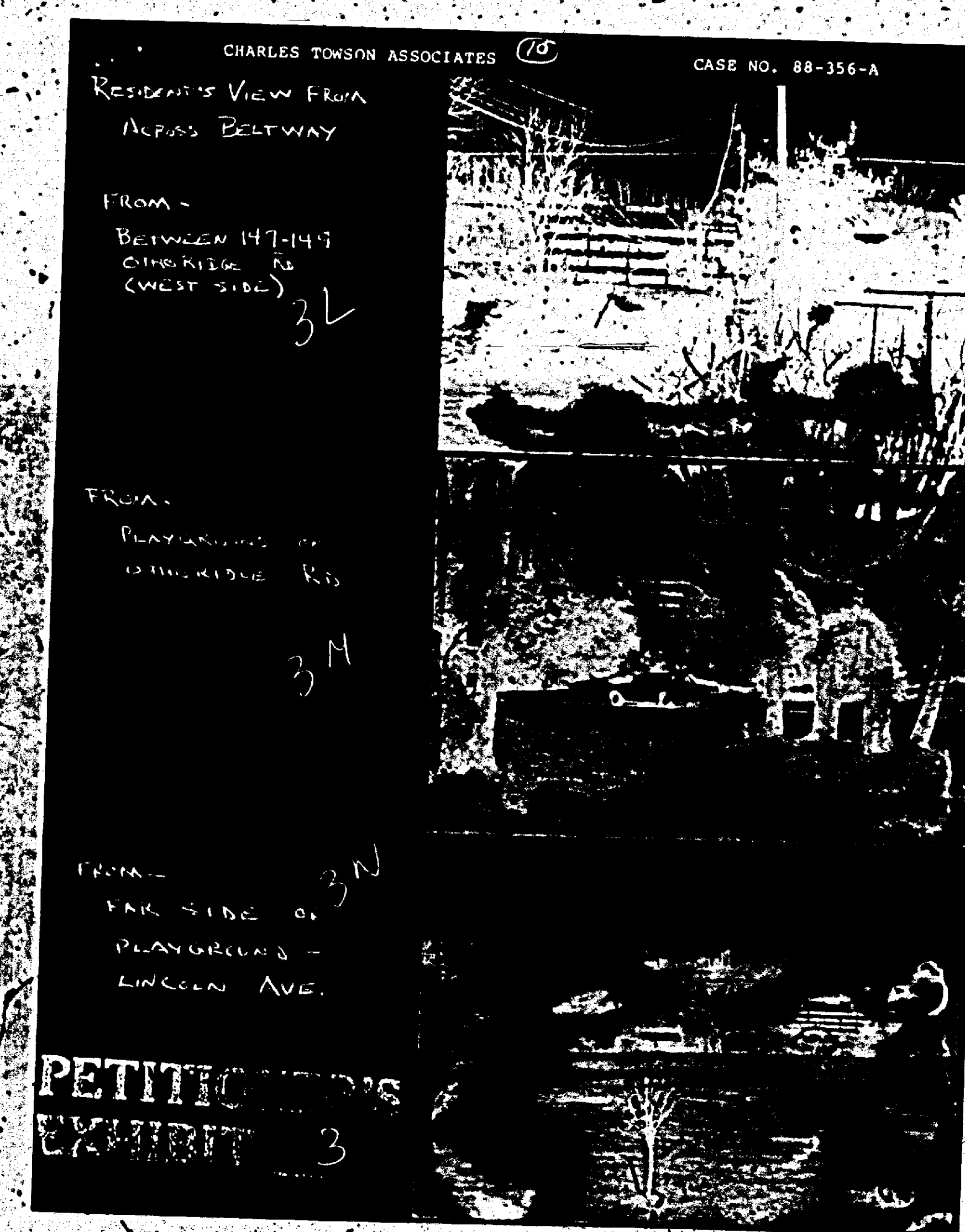
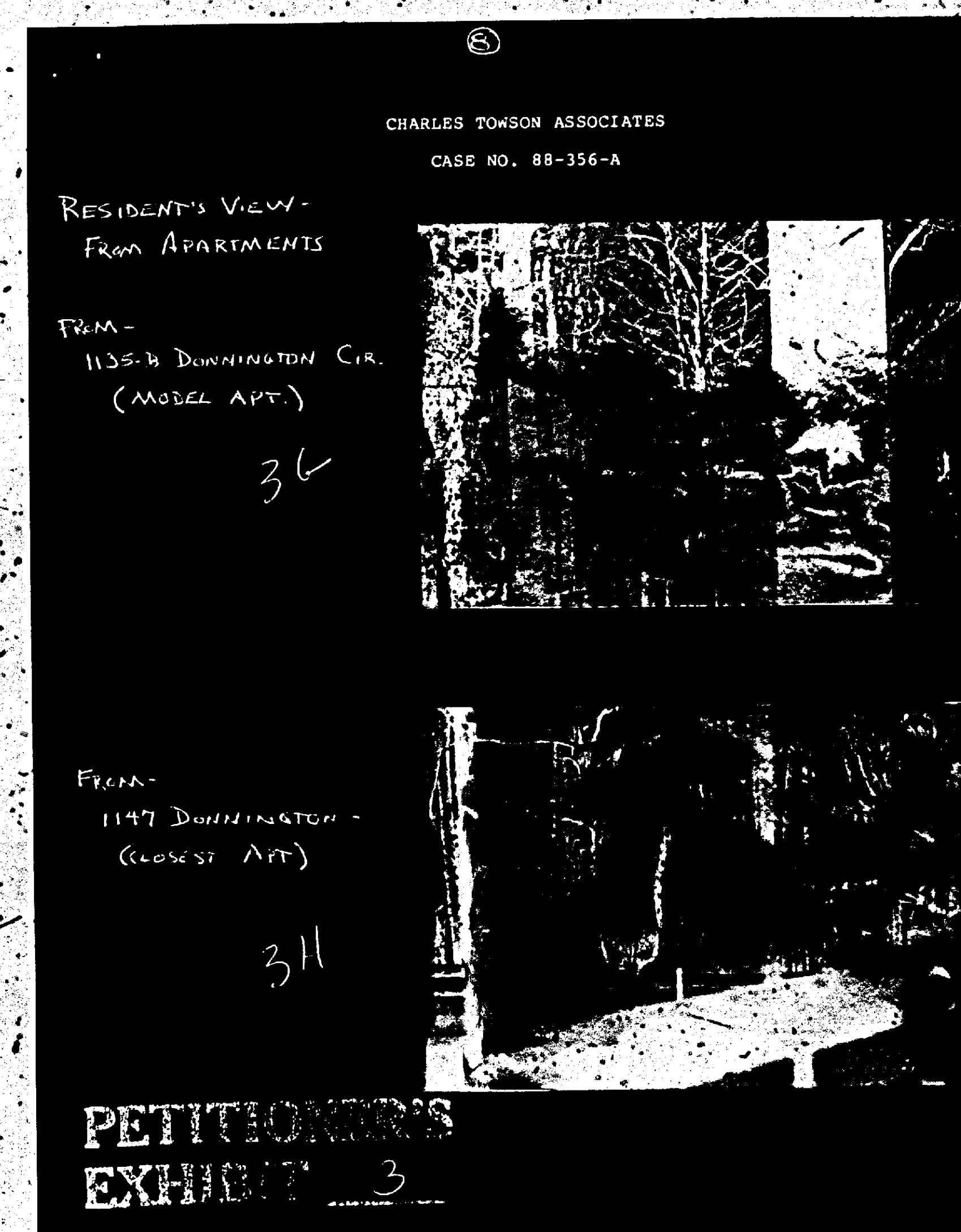
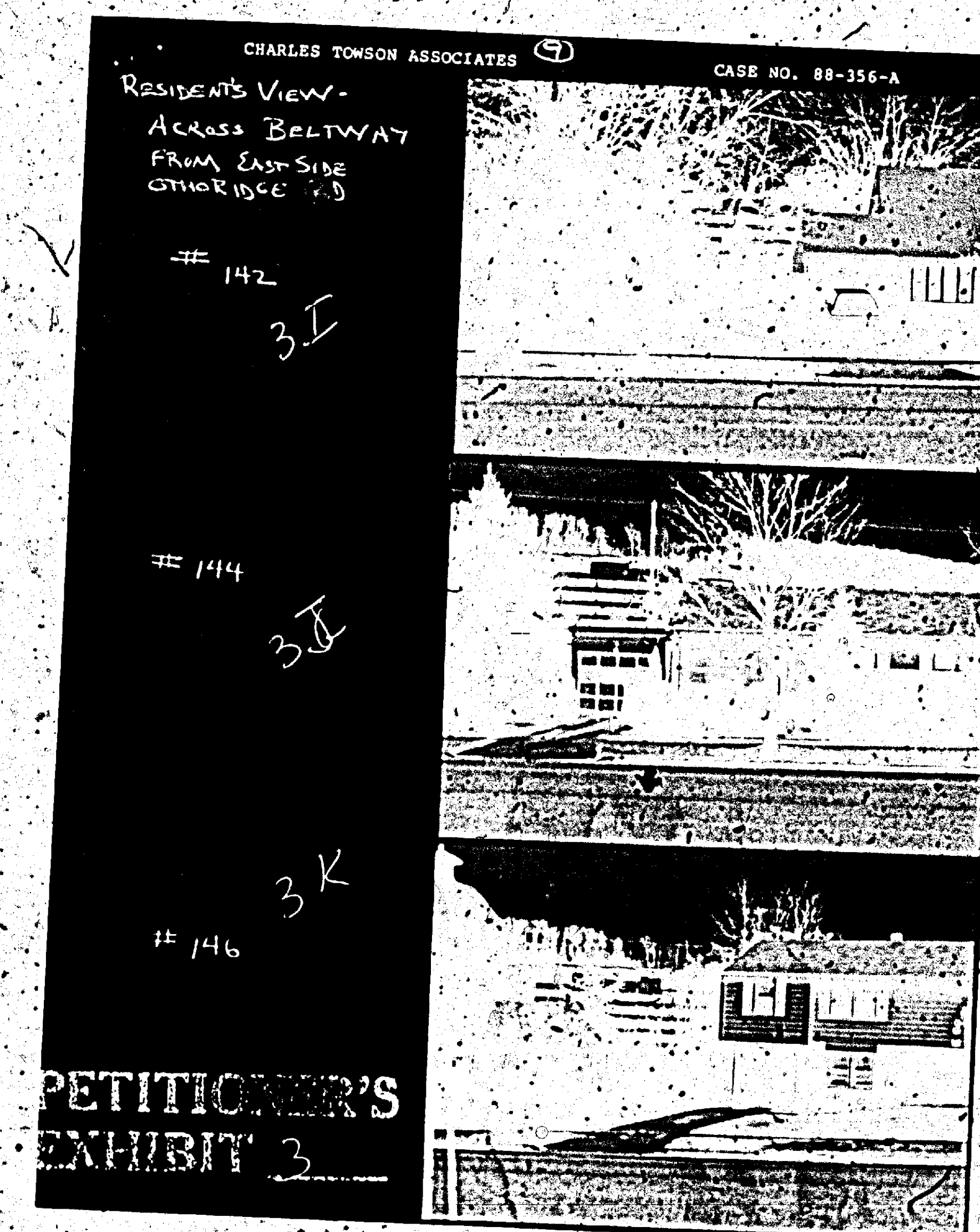
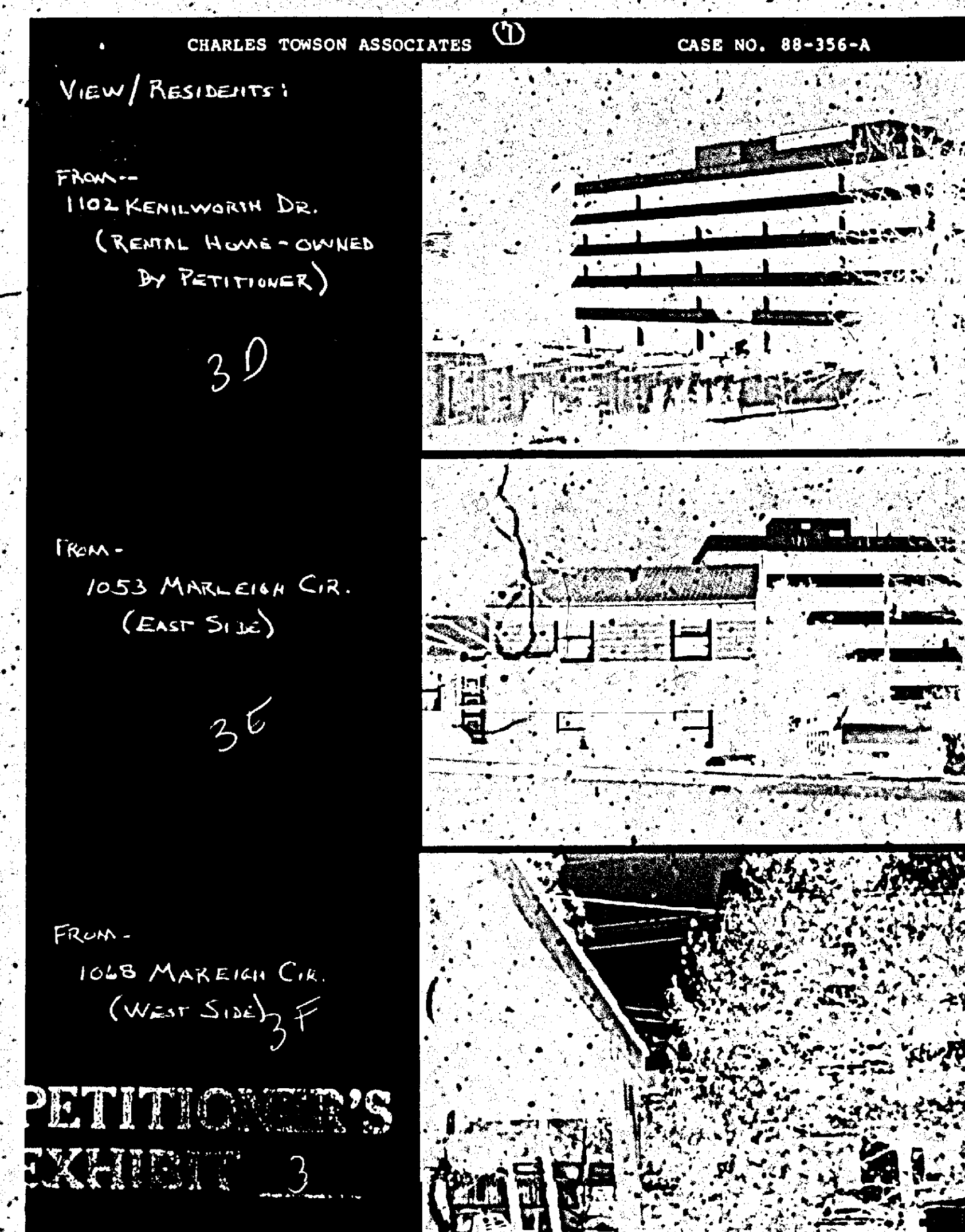
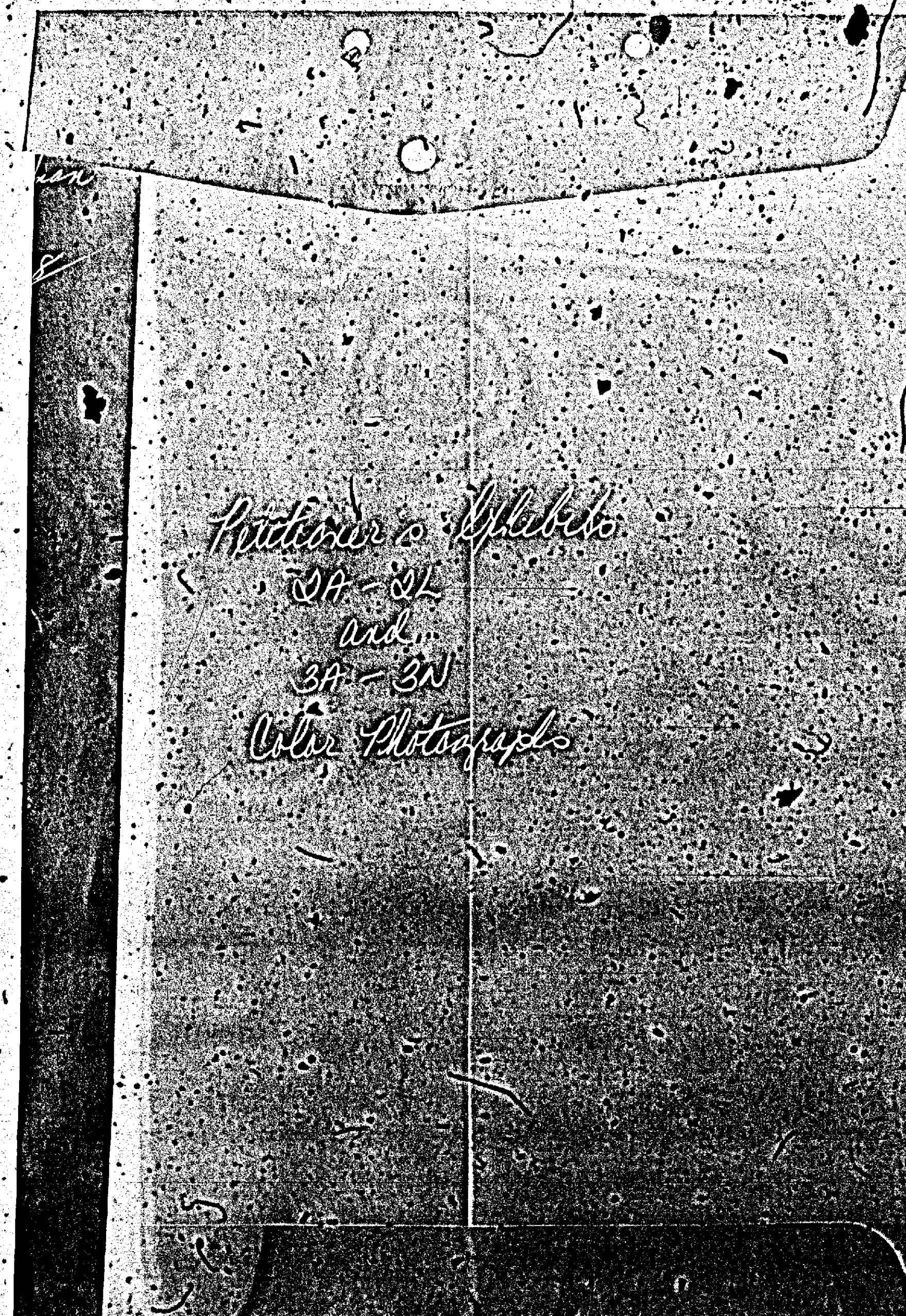
3A

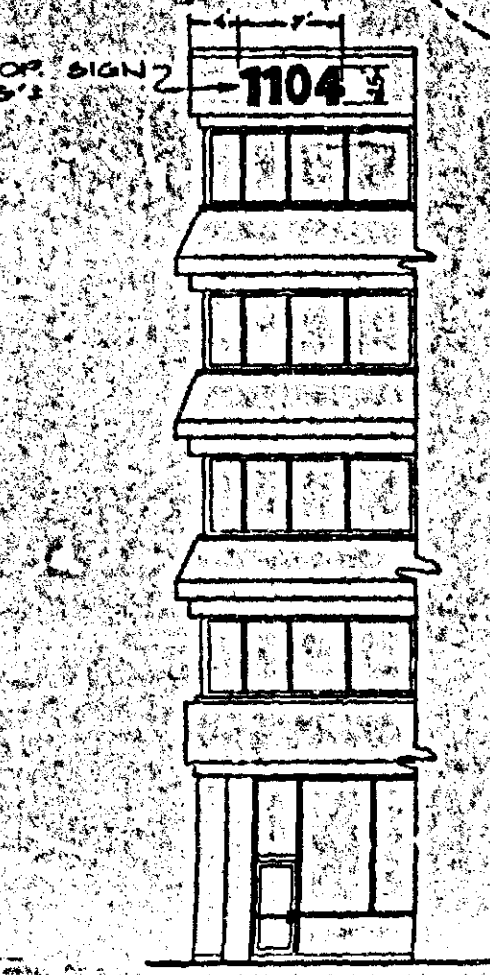
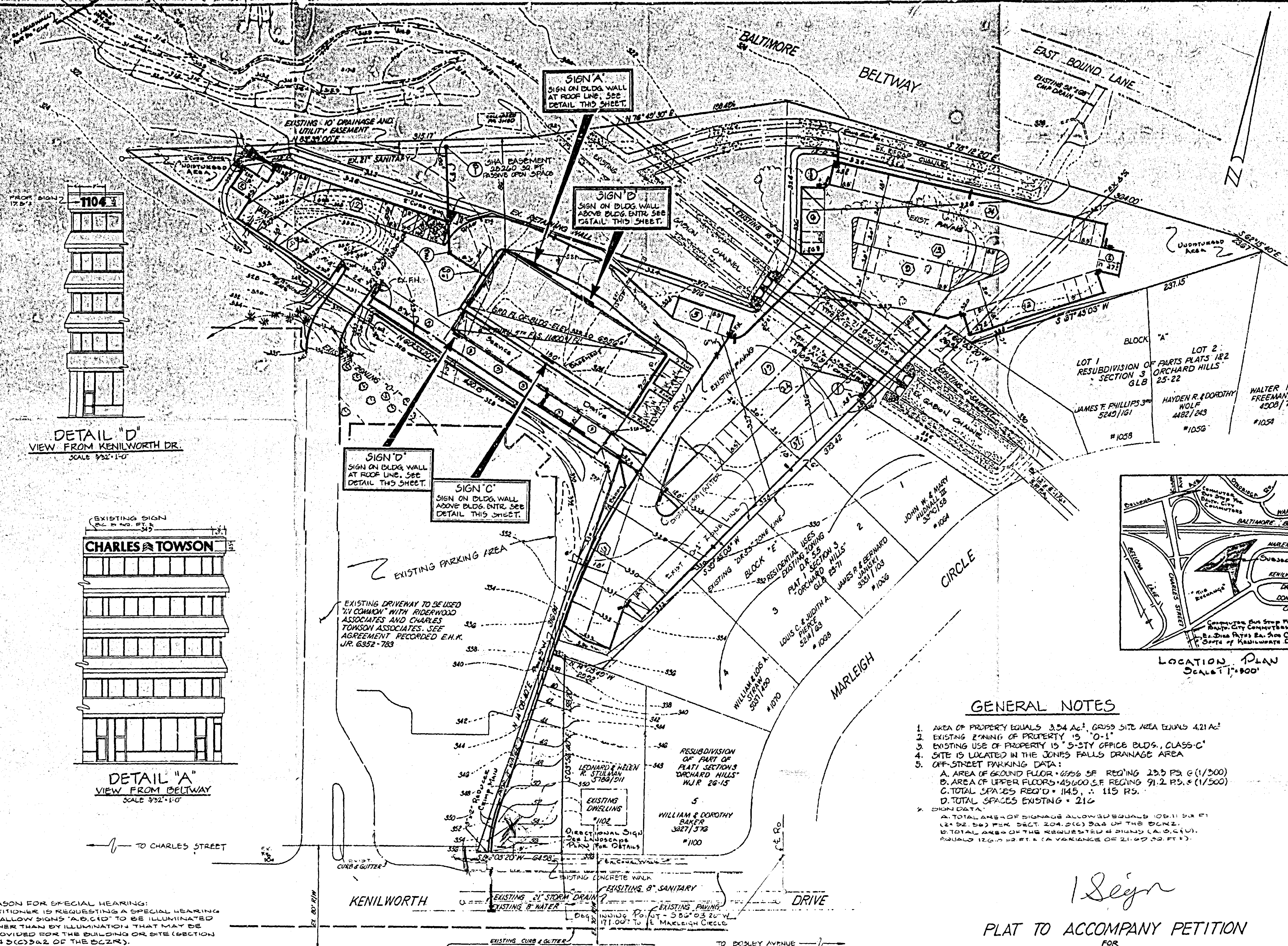
FROM 1103 KENILWORTH DR.

3B

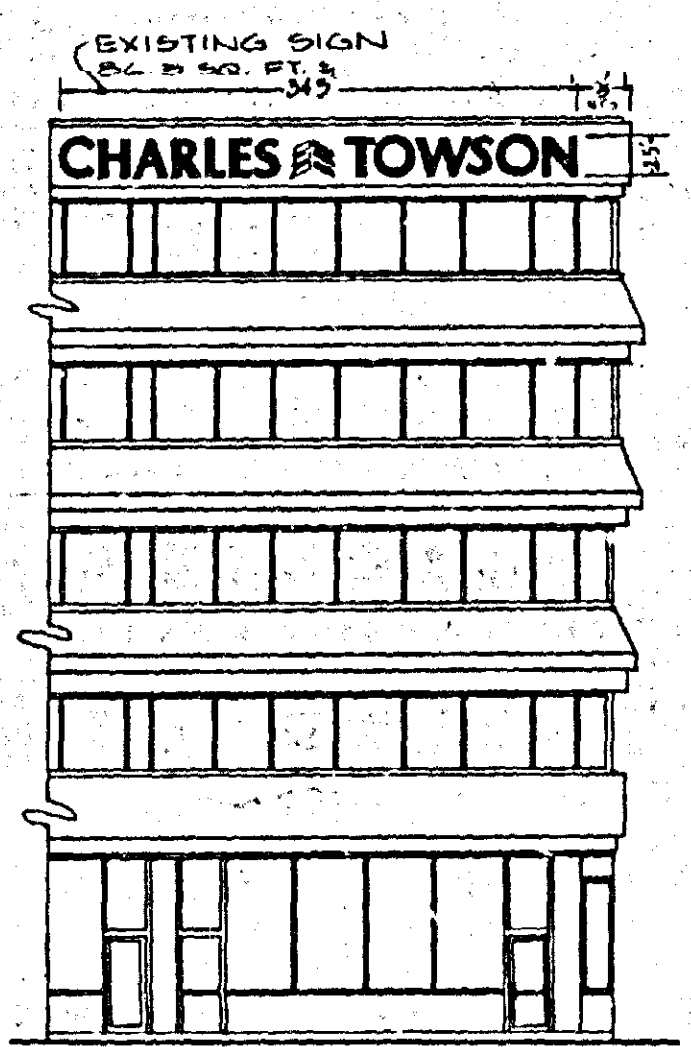
FROM 1105 KENILWORTH DR.

PETITIONER'S
EXHIBIT 2

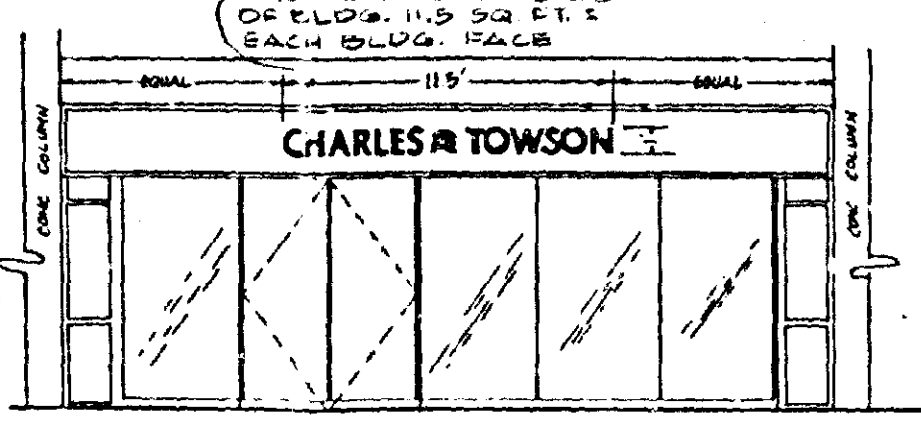




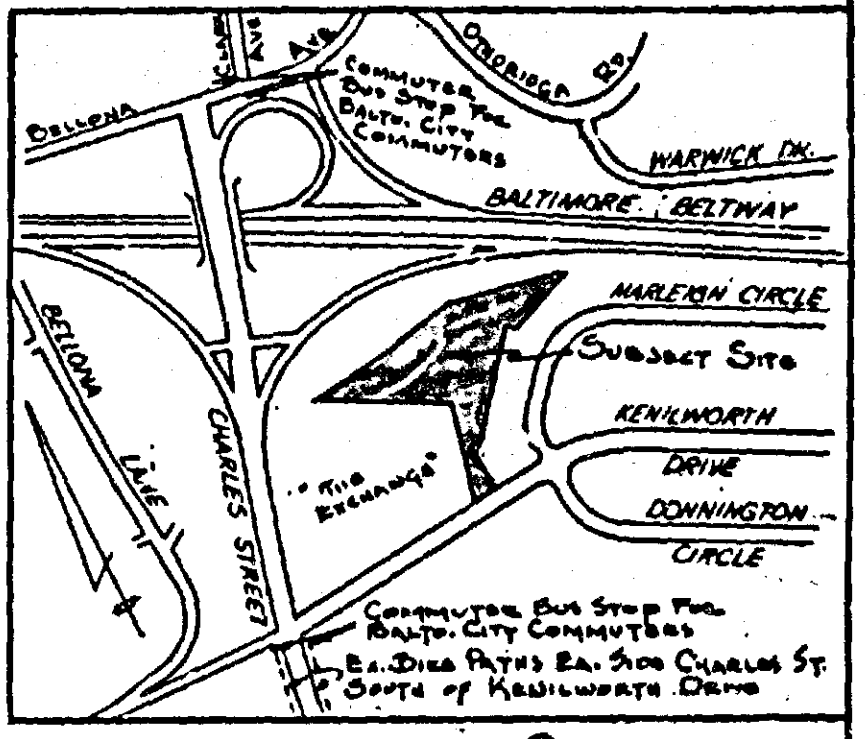
DETAIL "D"
VIEW FROM KENILWORTH DR.
SCALE 3/32"=1'-0"



DETAIL "A"
VIEW FROM BELTWAY
SCALE 3/32"=1'-0"



DETAIL "B+C"
TYPICAL ABOVE ENTRANCES
SCALE 3/16"=1'-0"



LOCATION PLAN
SCALE 1"=800'

GENERAL NOTES

1. AREA OF PROPERTY EQUALS 3.54 AC. GROSS SITE AREA EQUALS 4.21 AC.
2. EXISTING ZONING OF PROPERTY IS "O-1"
3. EXISTING USE OF PROPERTY IS 5-STY OFFICE BLDG., CLASS "C"
4. SITE IS LOCATED IN THE JONES FALLS DRAINAGE AREA
5. OFF-STREET PARKING DATA:
 A. AREA OF GROUND FLOOR = 6556 SF REQ'ING 23.5 PS @ (1/300)
 B. AREA OF UPPER FLOORS = 45600 SF REQ'ING 91.2 PS @ (1/500)
 C. TOTAL SPACES REQ'D = 114.5, ± 115 PS.
 D. TOTAL SPACES EXISTING = 216
6. SIGN DATA:
 A. TOTAL AREA OF SIGNAGE ALLOWED EQUALS 108.11 SQ FT (24' 52" 56") PER SECT. 204.2(C) 304 OF THE DCZM.
 B. TOTAL AREA OF THE REQUESTED 4 SIGNS (A, B, C & D) EQUALS 126.5 SQ FT (A VARIANCE OF 21.67 SQ FT).

ZONING VARIANCES REQUESTED

1. PETITIONER IS REQUESTING A VARIANCE TO SECTION 204.2(C) 304 OF THE DCZM TO ALLOW A TOTAL OF 4 OUTDOOR SIGNS ON THE WALLS OF THE BUILDING INSTEAD OF THE 1 SIGN ALLOWED (A VARIANCE OF 3 SIGNS).
2. PETITIONER IS REQUESTING A VARIANCE TO SECTION 204.2(C) 304 OF THE DCZM TO ALLOW ALL 4 SIGNS TO HAVE THEIR SIGNFACES A TOTAL OF 5' BEYOND THE BUILDING WALL INSTEAD OF THE ALLOWED 0" (A VARIANCE OF 5' FOR EACH SIGN).
3. PETITIONER IS REQUESTING A VARIANCE TO SECTION 204.2(C) 304 OF THE DCZM TO ALLOW SIGNS "B, C & D" TO HAVE A TOTAL OF 60.5 SQ FT EACH SIGN & 24.5 SQ FT WITH A TOTAL OF 85.0 SQ FT. INSTEAD OF THE ALLOWED 10 AT 20 SQ FT. (A VARIANCE OF 21.67 SQ FT). SEE GENERAL NOTE 6.

1 Sign

**PLAT TO ACCOMPANY PETITION
FOR
SIGN VARIANCES & SPECIAL HEARING
AT
CHARLES TOWSON PROFESSIONAL BUILDING
1104 KENILWORTH DRIVE
TOWSON, MARYLAND 21204
ELECTION DISTRICT "N 9"
SCALE: 1"=30'**

**BALTIMORE COUNTY, MD.
SEPTEMBER 28, 1987**

**PETITIONER'S
EXHIBIT 1**

OWNER & DEVELOPER
CHARLES TOWSON ASSOCIATES
1147 DUNDINGTON CIRCLE
TOWSON, MARYLAND 21204



KIDDE CONSULTANTS, INC.
ENGINEERS • PLANNERS • SURVEYORS
BALTIMORE, MARYLAND